

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BILLY VICTOR DENNY, JR.,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. 14-5413 RBL-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand (ECF 18) to the Commissioner of Social Security for further administrative proceedings, including further development of the record, a *de novo* hearing, and a new decision. After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion.

This Court recommends that on remand, the Administrative Law Judge will: (1) evaluate the claimant's medically determinable mental impairments pursuant to the special technique described in 20 CFR §§ 404.1520a and 416.920a, which shall include obtaining medical expert testimony from an individual specializing in psychology or psychiatry, and, in addition, the ALJ may send the claimant for a mental consultative examination; (2) give further consideration to the medical opinions in the record and explain the weight given to such evidence; (3) give further

REPORT AND RECOMMENDATION - 1

1 consideration to the claimant's credibility; (4) further evaluate the claimant's residual functional  
2 capacity; (5) if necessary, analyze whether alcoholism and/or substance abuse is a material factor  
3 in this case; and (6) obtain supplemental vocational evidence.

4 This case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).  
5 Upon proper presentation, this Court will consider Plaintiff's application for costs, expenses, and  
6 reasonable attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(a),(d).  
7

8 Given the fact of the parties' stipulation, the Court recommends that the District Judge  
9 immediately approve this Report and Recommendation and order the case **REVERSED** and  
10 **REMANDED**. A proposed order accompanies this Report and Recommendation.

11 DATED this 30<sup>th</sup> day of September, 2014.  
12

13   
14 Karen L. Strombom  
15 United States Magistrate Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26